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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,814	08/16/2001	Vasco Vollmer	10191/1812	9655
26646	7590	02/24/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			DEANE JR, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/831,814

Applicant(s)

VOLLMER ET AL.

Examiner

William J. Deane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33, 55 and 57 - 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 726 508 (Frampton; hereafter referred as the EP) in view of U.S. Patent No. 6,445,703 (Greszczuk et al.).

With respect to the limitations of claim 33, note that such limitations read on the EP reference at Col. 2, line 43 – Col. 5, line 51.

With respect to claims 57 – 58, note Col. 4, lines 3 - 8.

What the EP reference does not explicitly disclose in the new limitations of causing the communication terminals to analyze the synchronization information in at least the first and second operating modes. However, Greszczuk et al. teach such at Col. 6, line 25 – Col. 7, line 67. In Addition, note Col. 8, lines 23 – 33 of Greszczuk et al. It would have been obvious to one of ordinary skill in the art to have incorporated such synchronization into the EP system (if not already inherent) in order to reduce errors in transmission.

Claims 34 – 35 and 50 - 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over the EP reference and U.S. Patent No. 6,356,538 (Li) or in the alternative Greszczuk et al.

Note that the EP reference teaches that in a second mode at least one or more components are deactivated (see Col. 3. lines 8 – 12 of EP) to save battery power. However, the EP reference does not explicitly teach a third mode. Li teaches that such a third mode is known in the art (see Abstract and Figs. 4 – 8 of Li). It would have been obvious to one of ordinary skill in the art to have to have incorporated such a third mode as taught by Li into the EP reference in order to further conserve the battery. In addition, note a third mode as taught by Greszczuk et al. at Col. 8, lines 1 – 8 and/or Col. 8, lines 34 – 37.

With respect to claim 35, since both references teach that synchronization is important, such a limitation is inherent in Li. In addition, note the cited portions above relating to Greszczuk et al.

Claims 36 – 43, 45, 48 – 49, 56 and 59 - 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over the EP reference and Li and further in view of Greszczuk et al.

With respect to limitations contained in these claims, note that many would appear to be obvious in either the EP or Li references in order to maintain synchronization. Communicating between the master station and the terminals also includes confirmations and requests as shown in at least in Cols. 6 – 8 of Greszczuk et al. Therefore, it would have been obvious, if not already inherent, at least in some

cases, in the other two references, to one of ordinary skill in the art to use such requests, confirmation and communications between the master station and the terminals in order to retain synchronization.

With respect to claim 44, "marks" are well known in the art and it would be obvious (inherent) to use such marks when using Frames wherever it is deemed necessary.

Claims 46 - 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over the EP reference/ Greszczuk et al. and U.S. Patent No. 5606313 (Allen et al.).

With respect to claim 46, the EP reference/ Greszczuk et al. teach the limitations as claimed except for the inversion aspect to the invention. However, note that Allen et al. teach that such is known in the art (see Col. 7, lines 7 – 52 of Allen et al.). It would have been obvious to one of ordinary skill in the art to have incorporated such inversion technique with wake-up as taught by Allen et al. in the EP reference in order to conserve battery power.

With respect to claim 56, note that bursty traffic is always transmitted over time.

With respect to claims 59 – 65, these limitations would be obvious in view of the discussion above.

### ***Claim Rejections - 35 USC § 103***

Claims 52 – 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the EP reference/ Greszczuk et al. in view of U.S. Patent No. 5,794,137 (Harte)

With respect to claims 52 - 53, the EP reference/ Greszczuk et al. teach the claimed limitations except for the dynamically adapting aspect. However, note that

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Harte teaches such is known in the art (see Col. 7, lines 16 – 23). It would have been obvious to one of ordinary skill in the art to have incorporated such dynamically adapting as taught by Harte in the EP reference/ Greszczuk et al. in order to conserve battery power.

### ***Response to Arguments***


Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the Abstracts and Summary of the Inventions of the references cited on the 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

15Feb2006

  
WILLIAM J. DEANE, JR.  
PRIMARY EXAMINER